

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:06CV42-02-V
(5:03CR46-V)

AMANDA JANE DURHAM,)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
Defendant.)	
_____)	

THIS MATTER comes before the Court on the petitioner's Motion to Vacate under 28 U.S.C. §2255, filed March 17, 2006; and on the "Government's Motion To Dismiss . . . ," filed June 13, 2006. After careful consideration of the foregoing documents, the Court has determined that the respondent may be entitled to a dismissal as a matter of law.

PETITIONER DURHAM, PLEASE READ THIS CAREFULLY:

You now have the opportunity to reply to the respondent's Motion. See Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). You may not allege new facts surrounding the events in question as part of your response. You should base your response and/or argument(s) solely on the allegations contained in your original Motion to Vacate and/or the respondent's Motion to Dismiss.

You are further advised that you have thirty (30) days from the filing of this Order in which to file your response and any documents, affidavits, or unsworn declarations you may wish to

submit in opposition to the respondent's Motion. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

NOW, THEREFORE, IT IS HEREBY ORDERED that the petitioner has thirty (30) days from the filing of this Order in which to provide a response, along with her own documents, affidavits, or declarations in opposition to the pleading filed by the respondent.

SO ORDERED.

Signed: June 14, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

